

**REMARKS**

In response to the Office Action dated December 20, 2004, claims 1, 7, 16 and 24 have been amended. Claims 1-26 are in the case. Reexamination and reconsideration of the application, as amended, are requested.

The Office Action rejected claims 1-10, 12-20 and 22-23 under 35 U.S.C. § 102(e) as being anticipated by Cloutier (U.S. Patent No. 6,459,913). The Office Action rejected claims 11 and 21 under 35 U.S.C. § 103(a) as being unpatentable over Cloutier in view of MPEP 2144.03. The Office Action rejected claims 24-26 under 35 U.S.C. § 103(a) as being unpatentable over Cloutier.

The Applicants respectfully traverse these rejections based on the amendments to the claims and the arguments below.

Namely, the Applicants respectfully submit that Cloutier does not disclose all of the claimed features. Specifically, the Applicants' invention includes in part "...associating a destination avatar with a physical device..." and "...dynamically selecting, for a user, at least one destination avatar to which to send received information based on context information and user-defined policy-selection rules..."

In contrast, Cloutier discloses selecting physical devices, such as actual cell phones, pagers, PDAs, fax machines, telephones, Internet, etc. for unified alerting (see Abstract and col. 2, lines 25-31). Cloutier does not disclose associating virtual destination avatars with physical devices and dynamically selecting the virtual avatars based on context information and user-defined policy-selection rules, like the Applicants' claimed invention. Virtual destination avatars are not the actual physical devices, but virtual devices associated with respective actual physical devices, in contrast to the Examiner's statement on page 2 regarding the Applicants' "destination avatar." In the Applicants' invention, these virtual destination avatars contain information that the user wishes to receive via a physical device.

Hence, since the cited reference does not disclose all of the elements of the claimed invention, the reference cannot anticipate the claims. As such, the Applicants respectfully submit that the rejection under 35 U.S.C. 102 should be withdrawn.

With regard to the rejections under U.S.C. 103(a) of the rest of the claims, as argued above and in light of the amendments to the claims, the Applicants submit that

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none of the cited references, in combination or alone, disclose, teach, or suggest the Applicants' associating a destination avatar with a physical device and selecting at least one destination avatar to which to send received information based on context information and user-defined policy-selection rules. Although Cloutier communicates with several electronic devices for unified alerting, Cloutier does not dynamically select virtual avatar policies based on physical location and derived user control, like the Applicants' invention. This failure of the cited reference to disclose, suggest or provide motivation for the Applicants' claimed invention indicates a lack of a prima facie case of obviousness (*MPEP* 2143).


With regard to the rejection of the dependent claims, because they depend from the above-argued respective independent claims, and they contain additional limitations that are patentably distinguishable over the cited references, these claims are also considered to be patentable (*MPEP* § 2143.03).

Thus, it is respectfully requested that all of the claims be allowed based on the amendments and arguments. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. Additionally, in an effort to further the prosecution of the subject application, the Applicant kindly requests the Examiner to telephone the Applicant's attorney at **(818) 885-1575**.

Please note that all mail correspondence should continue to be directed to

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Respectfully submitted,  
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